

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

SPRIGGS CONSTRUCTION LLC)	
)	
_____)	CASE NO.
)	2021-00302
ALLEGED VIOLATION OF UNDERGROUND)	
FACILITY DAMAGE PREVENTION ACT)	

ORDER

A hearing was held before the Kentucky Public Service Commission (Commission) on October 29, 2021, at its offices at 211 Sower Boulevard, Frankfort, Kentucky, concerning the allegation that Spriggs Construction LLC (Spriggs Construction) violated KRS 367.4911(10) when, on November 21, 2019, at approximately 2:44 p.m. at 500 Happy Valley Rd., Glasgow, Kentucky 42141, it failed to hand-dig or use nonintrusive means when conducting excavation activity in the approximant location of an underground facility, and subsequently damaged a 1 ¼-inch steel natural gas service line. The service line was owned, operated and used to serve the public by Atmos Energy Corporation (Atmos). Spriggs Construction failed to appear at the hearing. Following a review of the record and the taking of testimony, the Commission determined that Spriggs Construction caused damage to a 1 ¼-inch steel service line owned, operated, and used by Atmos to serve the public.

FINDINGS OF FACT

The testimony presented at the hearing as well as the exhibits filed in the record establish that:

1. Spriggs Construction, at the time the damage occurred on November 21, 2019, was an excavator as defined by KRS 367.4903(4) who caused damage to a natural gas service line by means of excavation as defined by KRS 367.4903(2) and (6).

2. The natural gas service line was an underground facility owned and operated by Atmos to serve the public. The service line contained natural gas at the time it was damaged by Spriggs Construction, as evidenced by a customer temporarily losing gas service due to the damage.

3. Spriggs Construction's excavation work was not emergency work within the scope of KRS 367.4907 or the definition of "Emergency" as defined in KRS 367.4903(7), and no exception to the call requirement is applicable to this case.

4. Spriggs Construction failed, when conducting excavation operations, to hand dig or use non-intrusive means to avoid damage to the underground facility in violation of KRS 367.4911(10).

5. There are no known mitigating factors which would merit the imposition of a civil penalty less than the maximum provided by law. This violation is Spriggs Construction's third violation of KRS 367.4901 through KRS 367.4917.

CONCLUSIONS OF LAW

1. Spriggs Construction violated KRS 367.4911(10) in that when excavating within the approximant location of an underground facility it did not hand-dig or use nonintrusive means to avoid damage to the facility

2. As a consequence, Spriggs Construction struck, with a directional boring machine, an underground facility owned, operated, and used by Atmos to serve the public

3. Spriggs Construction is subject to a civil penalty of \$4000 for this violation by operation of KRS 367.4917(1) and KRS 367.4914(4).

IT IS THEREFORE ORDERED that:

1. Spriggs Construction LLC is assessed a civil penalty of \$4,000 for violation of KRS 367.4911(10).

2. Spriggs Construction LLC shall pay \$4,000 within 30 days of the date of this Order by cashier's check or money order payable to the Kentucky State Treasurer and mailed or delivered to the office of the Kentucky Public Service Commission at 211 Sower Boulevard, Frankfort, Kentucky 40602.

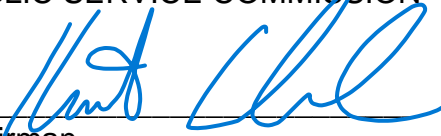
3. Record of payment of the civil penalty assessed in this Order shall be filed in the post-case correspondence file of this proceeding.

4. This case is closed and removed from the Commission's docket.

THIS IS A FINAL AND APPEALABLE ORDER OF THE PUBLIC SERVICE COMMISSION.

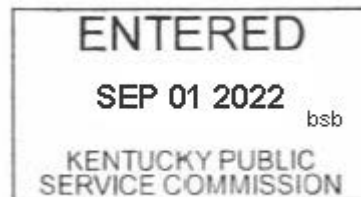
An application for a rehearing may be filed with the Commission within 20 days after service of this Order as provided by KRS 278.400. Any appeal of this Order must be filed with the Franklin Circuit Court within 30 days after service of this Order or within 20 days after an application for rehearing has been denied by failure of the Commission to act or, within 20 days after service of the final Order, as set out in KRS 278.410.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner



ATTEST:


Executive Director

*Spriggs Construction LLC
6130 Hwy 70 N
Crossville, TENNESSEE 38571